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EXAMINER

ISMAL, SHAWKI SAIF

ART UNIT PAPER NUMBER

2155

DATE MAILED: 12/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/035,463

Applicant(s)

BURR, JEREMY

Examiner

Shawki S. Ismail

Art Unit

2155

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 21 November 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-5 and 7-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) 1-5 and 7-28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_.

## **RESPONSE TO AMENDMENT**

1. This communication is responsive to the amendment filed on November 21, 2005. Claims 1-5, and 7-28 are pending.

### **New Grounds of Rejection**

2. Applicants' arguments with respect to the final rejection set forth in the last Office Action mailed on August 19, 2005 have been fully considered and are persuasive. Therefore, the final rejection has been withdrawn. However, upon further consideration, a new final ground of rejection is made in light of the previous amendments to the claims.

### **Claim Rejections - 35 USC §102**

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

4. Claims 1-5, and 7-28, are rejected under 35 U.S.C. 102(e) as being anticipated by **Ahmed et al.**, (Ahmed) U.S. Patent No. **6,816,460**.

5. As to claim 1, Ahmed teaches a mobile device, comprising:

a receiver designed to receive a communication from one or more other mobile device (col. 3, lines 11-26);

a transmitter designed to transmit messages to the one or more mobile device  
(col. 3, lines 11-26);

an application software stored in the device (col. 9, lines 1-20 ); and

a processor designed to construct a routing of mobile devices including said common software application, wherein the routing list is used to establish a sub-network of the mobile devices having said common software application within a mobile ad-hoc network (col. 4, lines 9-25, col. 9, lines 1-20).

6. As to claim 2, Ahmed teaches a mobile device according to claim 1, wherein the routing list includes one or more routes to the one or more other mobile devices including the common software application (see Fig. 1 and 2, col. 4, lines 9-25).

7. As to claim 3, Ahmed teaches a device according to claim 1, comprising:

a memory (col. 9, lines 1-20);

a routing table stored in the memory, the routing table including the routing list  
(col. 4, lines 9-25).

8. As to claim 4, Ahmed teaches a mobile device according to claim 3, wherein the routing table is designed to store a route to at least one other reachable device including the common software application (col. 4, lines 35-45).

9. As to claim 5, Ahmed teaches a mobile device according to claim 1, wherein the receiver is able to receive from a second mobile device another routing of other devices having the common software application reachable from said second mobile device (col. 4, lines 35-45, col. 6, lines 30-54).

10. As to claim 7, Ahmed teaches a method comprising:

Establishing a sub-network of mobile ad-hoc network of at least first and second mobile devices having a common software (col. 4, lines 1-8, col. 6, lines 16-29).

11. As to claim 8, Ahmed teaches a method according to claim 7, further comprising establishing a communications channel between the first and second device if the second device includes the application software (col. 4, lines 35-46).

12. As to claim 9, Ahmed teaches a method according to claim 8, further comprising:  
receiving a list of devices reachable from the second device, the list including a third device having the common software application (col. 4, lines 9-25);

establishing a communications channel from the first device through the second device to the third device (col. 4, line 64 – col. 5, line 29).

13. As to claim 10, Ahmed teaches a method according to claim 9, further comprising sending messages from the first device to the second device, to be relayed to the third device (col. 4, line 64 – col. 5, line 29).

14. As to claim 11, Ahmed teaches a method according to claim 10, wherein sending messages from the first device to the second device includes specifying a path from the first device to the third device (col. 4, line 64 – col. 5, line 29).

15. As to claim 12, Ahmed teaches a method according to claim 9, wherein establishing a communications channel from the first device through the second device to the third device includes establishing a communications channel from the first device through the second device to the third device without regard for any alternative route from the first device to the third device (col. 3, lines 51-67, col. 4, line 64 – col. 5, line 29).

16. As to claim 13, Ahmed teaches a method according to claim 9, wherein determining whether the third device includes the application software includes receiving from the second device an indication that the third device includes the common software application (col. 3, lines 51-67, col. 4, line 64 – col. 5, line 29).

17. As to claim 14, Ahmed teaches a method according to claim 9, wherein receiving a list of devices reachable from the second device includes receiving an indication that the third device includes the common software application (col. 3, lines 51-67, col. 4, line 64 – col. 5, line 29).

18. As to claim 15, Ahmed teaches a method according to claim 9, further comprising changing the communications channel to an alternative communications channel if the alternative communications channel has a lower cost than the communications channel (col. 4, line 64 – col. 5, line 29).

19. As to claim 16, Ahmed teaches a method according to claim 8, further comprising: receiving a list of devices reachable from the second device; and forwarding the list of devices to a third device within range of the first device (col. 4, line 64 – col. 5, line 29).

20. As to claim 17, Ahmed teaches a method according to claim 16, wherein receiving a list of devices reachable from the second device includes receiving a list of devices including the common software application reachable from the second device (col. 4, line 64 – col. 5, line 29).

21. As to claims 18-28, they do not teach or define any new limitation above claims 1-17, therefore, they are rejected for similar reasons.

22. **Examiner's note:** Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in its entirety as potentially teaching of all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

### **Response to Arguments**

23. Applicant's arguments with respect to claim 1-5 and 7-28 have been fully considered but considered to be moot in view of the new ground(s) of rejection.

24. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

### **Contact Information**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shawki S Ismail whose telephone number is 571-272-3985. The examiner can normally be reached on M-F 8:30 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar can be reached on 571-272-4006. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Shawki Ismail  
Patent Examiner  
December 16, 2005



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SUPERVISORY PATENT EXAMINER